

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 8:07-CR-352-T-17MAP
USM NUMBER: 87525-008

vs.

KARL REHBERG

Defendant's Attorney: AFPD Adam Allen

THE DEFENDANT:

X pleaded guilty to count(s) one of the Indictment.

<u>TITLE & SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. § 371	Conspiracy to Execute a Scheme to Defraud Investor-Victims by Mail Fraud	December 1998	One

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

If ordered to pay restitution, the defendant must notify the court and United States Attorney of any material change in economic circumstances.

Date of Imposition of Sentence: August 22, 2008


ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

DATE: August 26th, 2008

Defendant: KARL REHBERG
Case No.: 8:07-CR-352-T-17MAP

Judgment - Page 2 of 9

IMPRISONMENT

The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a total term of **SIXTY (60) MONTHS** as to count one of the Indictment with credit for time served to be calculated by the United States Bureau of Prisons.

- X The Court makes the following recommendations to the United States Bureau of Prisons:
- (1) Incarceration, after evaluation, at appropriate BOP Federal Medical Center, or, if not, somewhere within the State of Florida.
 - (2) Immediate medical exam. Medical records are being forwarded to BOP by United States Probation Office along with other records.
 - (3) Counseling re: adjustment to incarceration.

X The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

United States Marshal

By: _____
Deputy United States Marshal

Defendant: **KARL REHBERG**
Case No.: **8:07-CR-352-T-17MAP**

Judgment - Page 3 of 9

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **THIRTY-SIX (36) MONTHS**.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

☐ The mandatory drug testing requirements of the Violent Crime Control Act are imposed. The Court orders the defendant to submit to random drug testing not to exceed 104 tests per year.

☒ The mandatory drug testing requirements of the Violent Crime Control Act are waived. However, the Court orders the defendant to submit to random drug testing not to exceed 104 tests per year.

☐ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)

☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 06/05) Sheet 3C - Supervised Release (Judgment in a Criminal Case)

Defendant: KARL REHBERG
Case No.: 8:07-CR-352-T-17MAP

Judgment - Page 4 of 9

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

- X Until such time as the restitution is paid in full, he defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, acquisitions or obligating himself for any major purchases without approval of the probation officer.
- X The defendant shall provide the probation officer access to any requested financial information.
- X The defendant shall provide the probation officer access to any requested financial information; while on supervised release, each year provide subject to perjury laws, statement regarding all assets, liabilities, income and expenses, whether each of above is held directly or by a third party person or persons.

AO 245B (Rev 06/05) Sheet 5 - Criminal Monetary Penalties (Judgment in a Criminal Case)

Defendant: KARL REHBERG
Case No.: 8:07-CR-352-T-17MAP

Judgment - Page 5 of 9**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Total Restitution</u>
Totals:	\$100	\$Waived	\$20,752,952

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
		\$20,752,952	

****Victim List To Be Submitted By The Government Within 60 Days****

Totals:	\$20,752,952
----------------	---------------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____.

☐ The defendant must pay interest on a fine or restitution of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ____ fine ____ restitution.

☐ the interest requirement for the ____ fine ____ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for the offenses committed on or after September 13, 1994, but before April 23, 1996.

Defendant: KARL REHBERG
Case No.: 8:07-CR-352-T-17MAP

Judgment - Page 6 of 9

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A. ☒ Lump sum payment of \$ 100 for special assessment due immediately.
 ___ not later than ___, or
 ___ in accordance ___ C, ___ D, ___ E or ___ F below; or
- B. ☒ **RESTITUTION PAYMENTS:**
 While in Bureau of Prisons custody, the defendant shall either (1) pay at least \$25 quarterly if the defendant has a non-Unicor job or (2) pay at least 50% of his monthly earnings if the defendant has a Unicor job. Upon release from custody, the defendant shall pay restitution at the rate of \$100 per month. At any time during the course of post-release supervision, the victim, the government, or the defendant, may notify the Court of a material change in the defendant's ability to pay, and the Court may adjust the payment schedule accordingly.
- C. ___ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ days (e.g., 30 or 60 days) after the date of this judgment; or
- D. ___ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years) to commence _____ (e.g. 30 or 60 days) after release from imprisonment to a term of supervision; or
- E. ___ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time, or
- F. ___ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several with Co-Defendant Helen Rehberg; Case No. 8:07-CR-352-T-17MAP; \$20,752,952.

___ The defendant shall pay the cost of prosecution.

___ The defendant shall pay the following court cost(s):

☒ The Court Orders that the defendant forfeit to the United States immediately and voluntarily any and all assets and property, or portions thereof, subject to forfeiture, which are in the possession or control of the defendant or the defendant's nominees. See attached Forfeiture Money Judgment and Order for Substitute Assets.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Judgment

Page 7 of 9

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

KARL H. REHBERG,
a/k/a "Peggy Helms,"
a/k/a "Shawn Pierce" and

Defendant.

CASE NO. 8:07-cr-352-T-17MAP

**FORFEITURE MONEY JUDGMENT
AND ORDER FOR SUBSTITUTE ASSETS**

THIS CAUSE comes before the Court upon the filing of the Motion of the United States of America for a Forfeiture Money Judgment, which, at sentencing, shall be a final judgment of forfeiture as to defendant Karl H. Rehberg. For good cause shown, the motion of the United States is GRANTED.

The Court, being fully advised in the premises, hereby finds that the government has established that the defendant obtained \$20,600,000.00 in proceeds from the conspiracy to commit mail fraud in violation of 18 U.S.C. §1341, all in violation of 18 U.S.C. § 371. Accordingly, it is hereby

ORDERED, ADJUDGED and DECREED that defendant Karl H. Rehberg is liable for a forfeiture money judgment in the amount of \$20,600,000.00, pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2(b)(1).

IT IS FURTHER ORDERED that the United States may seek forfeiture of any of the defendant's property up to the value of the \$20,600,000.00 money judgment as substitute assets in satisfaction of this judgment, pursuant to the provisions of 21

Judgment

Page 8 of 9

U.S.C. § 853(p) and 28 U.S.C. § 2461(c).

Being fully advised in the premises, the Court finds:

WHEREAS, by virtue of the defendant's guilty plea and entry of a forfeiture money judgment, the United States is now entitled to possession of the approximately \$50,681.77 being held by the Office of the Comptroller, State of Florida, Abandoned Property Section, which constitutes the inheritance of the defendant from the estate of Hattie Louise Rehberg,, as a substitute asset pursuant to 21 U.S.C. § 853(p) and Rule 32.2 of the Federal Rule of Criminal Procedure;

It is hereby ORDERED, ADJUDGED AND DECREED that:

1. All right, title, and interest of defendant Karl H. Rehberg in the above-listed funds are hereby forfeited to the United States for disposition in according to law, subject to the provisions of 21 U.S.C. § 853(p).

2. Following entry of this order, the United States will, pursuant to 21 U.S.C. § 853(n), publish (in such manner as the Attorney General may direct) notice thereof and its intent to dispose of the forfeited property. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the above-described asset, as substitute for published notice as to those persons so notified.

3. Any person, other than defendant Karl H. Rehberg, who has or claims any right, title, or interest in the above-described asset must file a petition with the Court for a hearing to adjudicate the validity of his or her alleged interest in the forfeited asset. The petition should be mailed to the Clerk of the United States District Court, Tampa Division, 801 North Florida Avenue, Tampa, Florida 33602, within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

Judgment

Page 9 of 9

4. The petition shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset, and any additional facts surrounding the petitioner's claim and relief sought.

5. After receipt of the petition by the Court, the Court will set a hearing to determine the validity of the petitioner's alleged interest in the forfeited asset.

6. Upon adjudication of all third-party interests in the above-described asset, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, in which all interests will be addressed.

DONE and ORDERED in Chambers in Tampa, Florida, this 22nd day of August, 2008.


HON. ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE